



Criminal Division

**Prepared Remarks of
Assistant Attorney General Christopher A. Wray
Response to *Booker/Fanfan*
Washington, D.C.
January 12, 2005**

Good afternoon.

Twenty years ago, Congress enacted the Sentencing Reform Act of 1984, which established a uniform system of fair tough, consistent and effective sentencing guidelines. The purpose of that law was to eliminate widespread and unconscionable disparities in sentencing in all federal courts.

The system that Congress put in place in 1984 is based on such sound principles as truth-in-sentencing, limited judicial discretion, the elimination of parole in the federal system, and the similar treatment of defendants with similar criminal records who committed similar criminal conduct.

In addition, the guidelines allow judges to target longer sentences to especially dangerous or recidivist criminals. In 2002, more than 63,000 convicted defendants were sentenced in federal courts under the sentencing guidelines.

Today, the Supreme Court ruled that federal judges are not bound to impose on convicted felons sentences within the range otherwise required under Federal Sentencing Guidelines. Although we are pleased that the Supreme Court did not find the Federal Sentencing Guidelines to be unconstitutional in *U.S. v. Booker*, we are disappointed that the decision made the guidelines advisory in nature.

However, it is important to note that in spite of this ruling, federal sentencing guidelines remain a critical part of the process to achieve justice.

District courts are still required to consult the federal sentencing guidelines, and any sentence may be appealed by either defense counsel or prosecutors on the grounds that it is unreasonable. To the extent

that the guidelines are now advisory, however, the risk increases that sentences across the country will become wildly inconsistent.

The federal sentencing guidelines have put the public's safety first. And the results are clear and undeniable: tough sentencing means less crime.

- The rate of violent crime in our nation has dropped to a 30-year low.**
- Between 2002 and 2003, violent crime in the United States decreased by 3 percent, contributing to the overall drop in the violent crime rate of 26 percent in the past ten years.**
- In the past decade, this has led to 35 million fewer violent crimes.**

The Sentencing Guidelines have helped reduce crime by ensuring that criminal sentences take violent offenders off the streets, impose just punishment and deter others from committing crimes.

The Department of Justice remains committed to the core principles and the just foundation created in the Federal Sentencing Reform Act, and the guidelines that resulted from the Act — fair, tough, uniform, predictable and proportionate sentences.

The Department will continue to urge courts to apply the guidelines and to sentence offenders under the guidelines in order to vindicate the core purposes of sentencing – that similar defendants who commit similar crimes, receive similar sentences.

The Department looks forward to working on this critical issue with Congress, the United States Sentencing Commission, the Judicial

Conference, victims of crime and all other Americans who have a stake in seeing justice done.